



**ANTHONY
ASQUITH**

Patent Agent

Anthony Asquith BSc
Registered Patent Agent
(Canada and USA)
Chartered Patent Attorney (UK)
European Patent Attorney

Office and
Postal Address:

Anthony Asquith & Co
173 Westvale Drive
Waterloo, Ontario
Canada N2T 1B7

Telephone:

519 746 6732

12/24/2002 AWONDAF1 00000281 012555 09241744

01 FC:2453 640.00 CH

Facsimile:

519 888 6093

Commissioner of Patents
Washington, DC 20231

05 December 2002

DAC \$
#21

Dear Sir,

PETITION TO REVIVE ABANDONED PATENT APPLICATION

Serial Number: 09/241,744
Applicant: Einarson et al.
Filing Date: 01 February 1999
Our File Ref: 406-01US

This is in Response to the Notification of Abandonment dated 25 March 2002.

I hereby state that the abandonment, and the entire delay in filing the required reply, was unintentional.

Please charge the full amount of the petition fee, \$640., to our deposit account, number 01-2555.

We enclose a copy of the Appointment of Agent as submitted to the Patent Office on 25 September 2002.

The applicant in this case claims small entity status.

Of course, under Rule 1.137(b)(1), we are obliged to include, with the petition for reinstatement, the missing Response, i.e the Response the absence of which gave rise to the abandonment.

However, we cannot prepare the absent Response at this time. We have been informed that the file wrapper on this case has been lost, i.e the file cannot be found in the Office. Because we took over this case from another attorney, we do not have a record of the outstanding Office Action, nor of previous correspondence on the case.

We have been waiting for some time to be informed that the file has turned up, so we can start to prepare the Response. However, we request that this Petition now be processed, on the basis that we will prepare and submit the Response once we have the file. We request that the search for the missing file be expedited.

Submitted by,

[Signature]

Anthony Asquith
Reg 32373
Agent for the Applicant

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DEC 26 2002

OFFICE OF PETITIONS

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to USPO in FedEx 8363 1927 3125